

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

**CIVIL MINUTES – GENERAL**

Case No. 2:24-cv-04537-SVW-PVC

Date: September 19, 2024

Title: *Michelle Estelle Caldera v. A. Delacruz*

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Present: The Honorable STEPHEN V. WILSON, U.S. District Judge

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Paul Cruz  
Deputy Clerk

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Not Reported  
Court Reporter / Recorder

Attorneys Present for Petitioner:  
None Present

Attorneys Present for Respondent:  
None Present

**Proceedings (In Chambers):** ORDER DISMISSING CASE FOR FAILURE TO PAY FILING FEE OR FILE A COMPLETE REQUEST FOR *IN FORMA PAUPERIS* STATUS

All parties instituting a habeas action in a district court of the United States must pay a filing fee. 28 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay the fee only if the party is granted leave to proceed *in forma pauperis*. See 28 U.S.C. § 1915(a)(1); Rule 3(a), 28 U.S.C. foll. § 2254.

On July 2, 2024, the Court postponed ruling on Petitioner's request to proceed *in forma pauperis* ("Request") because it was incomplete and directed Petitioner to refile a Request or pay the \$5 filing fee. Dkts. 3, 5. The Court warned that if Petitioner did not comply within 30 days, the case would be dismissed without prejudice. Dkt. 5.

On August 5, 2024, Petitioner filed a cryptic letter that appeared to indicate the filing fee would be sent from her prison trust account. Dkt. 6. As a courtesy, the Court informally postponed ruling on this matter to allow for receipt of the late payment.

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However, to date, no such payment has been received. As Petitioner has not refiled a Request, paid the filing fee, or provided any other information on the status of payment of the filing fee, this action is **DISMISSED** without prejudice. *See, e.g., Dumphy v. CDC*, 2008 WL 4344767, at \*1 (S.D. Cal. Sept. 23, 2008) (federal court cannot proceed on habeas petition until petitioner has paid fee or qualified for *in forma pauperis* status, and properly dismisses action without prejudice if petitioner fails to do either).

IT IS SO ORDERED.